

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
Plaintiff, and)
CONTRICE TRAVIS,) CIVIL ACTION
Plaintiff-Intervenor,) FILE NO.: 1:10-CV-03132-SCJ-ECS
v.)
EXEL INC.,)
Defendant.)

**PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
RESPONSE IN OPPOSITION TO DEFENDANT EXEL INC.'S MOTION
FOR EXTENION OF TIME IN WHICH TO FILE ITS REPLY IN
SUPPORT OF SUMMARY JUDGMENT**

COMES NOW Plaintiff, the Equal Employment Opportunity Commission (the “EEOC”), and files this, its Response in Opposition to Defendant Exel Inc.’s (“Exel”) Motion for Extension of Time in Which to File its Reply in Support of Summary Judgment (the “Response”);:

1.

Exel’s Motion for Summary Judgment was originally due on September 28, 2011. The EEOC and Plaintiff-Intervenor consented to a 30 day extension for Exel

to file its Motion for Summary Judgment, which made it due on October 28, 2011.

2.

The EEOC's and Plaintiff-Intervenor's responses to the Motion for Summary Judgment were originally due on November 21, 2011. Exel agreed to an 18 day extension, not a 21 day extension as Exel states in its Motion. Therefore, the EEOC and Plaintiff-Intervenor filed their responses to the Motion for Summary Judgment on December 9, 2011

3.

Exel's reply in support of its Motion for Summary Judgment is currently due on December 27, 2011. Exel requested a 30 day extension through January 26, 2011, to file its reply.

4.

In this case, the Local Rules allow only 18 days (14 days plus 3 days for mailing plus an extra day because of an intervening federal holiday) to file a reply brief, but Exel requested and now seeks an additional 30 days for a total of 48 days, to file its reply brief. That is, it seeks almost three times the amount of time provided for by the Local Rules.

5.

In an attempt to be cooperative and accommodating, the EEOC agreed to an

extension through January 9, 2012, which is an extension of 13 days that gives Exel a full 31 days to file its reply.

6.

While Exel makes much of the fact that there are two responses to reply to, both responses largely discuss the same facts and make the same arguments. There are not two distinct responses to which Exel must reply.

7.

The 13 day extension agreed to by Exel is more than sufficient for Exel to file its reply, whereas 48 days to file a 15 page reply is excessive.

8.

Therefore, the Motion should be denied to the extent it seeks an extension through January 26, 2012, but the EEOC has no objection to allowing Exel through January 9, 2012, to file its reply.

Respectfully submitted, this 14th day of December, 2011.

s/Steven A. Wagner
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CERTIFICATION OF COMPLIANCE

Pursuant to Local Rule 7.1D, counsel certifies that this Response in Opposition to Defendant Exel Inc.'s Motion for Extension of Time in Which to File its Reply in Support of Summary Judgment was prepared using Times New Roman 14-point font.

This 14th day of December, 2011.

s/Steven A. Wagner
Steven A. Wagner
Georgia Bar No. 000529

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing
PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
RESPONSE IN OPPOSITION TO DEFENDANT EXEL INC.'S MOTION FOR
EXTENION OF TIME IN WHICH TO FILE ITS REPLY IN SUPPORT OF
SUMMARY JUDGMENT by filing the foregoing with the Clerk of Court using
the CM/ECF system, which will send notification of such filing to all counsel of
record:

David R. Kresser, Esq.
Counsel for Defendant

Rudjard M. Hayes, Esq.
Counsel for Plaintiff-Intervenor

This 14th day of December, 2011.

s/Steven A. Wagner
Steven A. Wagner
Georgia Bar No. 000529

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